REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1, 3, 5–9, 11, 12, 19–21, 23–29 and 34–50 will be pending. By this amendment, claims 1, 9, 19, and 27 have been amended. No new matter has been added.

Response to Arguments

In Section 3 of the August 31, 2007 Office Action ("the Office Action"), it was stated, "… Markel's teaching of pre–fetching of enhancement information to accommodate access latencies meets the claimed limitation." *Office Action, page 3, lines 17–18.* The claimed limitation referred to, as recited in claim 9, is "wherein the interactive enabling device is configured for receiving interactive program pre-triggers and commercial pre-triggers that were inserted into the broadcast stream by the broadcast sponsor at a specific time in advance of when the interactive program and commercial content is needed, based on estimates for communication link speed." See *Office Action, page 3, lines 2–6.* Applicants respectfully disagree that the above recitation of Markel meets the claimed limitation.

As stated in the Specification, "… to pre–cache interactive program and commercial content, the speed of the download connection may be measured or estimated. To quantify the speed of the download connection, embodiments of the present invention may employ user–configurable settings to identify whether the link to the interactive assets is via a POTS modem, DSL modem, cable modem, satellite modem, and the like, and download speeds can thereafter be estimated accordingly. Alternatively, a sensing system may be employed which measures

previous download performance, the round–trip time of a cookie, and the like to empirically

measure download speeds." *Specification, paragraph [0065]* (emphasis added).

Implementations of the present invention therefore provide for <u>estimates</u> of download speeds

according to various types of connections.

By contrast, Markel discloses "pre–fetching of enhancement information to accommodate

access latencies," and employing a pre-trigger "that results in the enhancement information for

an upcoming trigger to be accessed." See *Markel, Column 6, lines 43–47*. That is, Markel

appears to accommodate access latencies by pre–fetching. However, Markel fails to teach or

suggest interactive program pre-triggers and commercial pre-triggers that were inserted into the

broadcast stream <u>based on estimates</u> for communication link speed.

§103 Rejection of Claims 1–3, 19–21

In Section 5 of the Office Action, claims 1, 3 and 19–21 stand rejected under 35 U.S.C.

§103(a) as being unpatentable over Barone (U.S. Patent Application No. 2005/0005303) and

Kalluri (U.S. Patent No. 5,937,331) in view of Andrade (2002/0059644), and further in view of

(ATVEF Specification v1.1 r26) (referred to hereinafter as "the ATVEF Specification").

In the Background Section of the Specification, it was stated that "[w]hile the use of

triggers to download interactive content from remote sites, or provide interactive content

themselves, is known in the art, any control over such interactivity has been limited to discrete

periods of time such as program times or commercial breaks, but not both." *Specification,*

paragraph [0013]. That is, triggers for interactive program content generally occur in program

segments of a broadcast stream, while triggers for interactive commercial content generally

occur in segments of a broadcast stream devoted to a corresponding commercial spot. "Thus,

efficiencies that could result from controlling and sharing the given time space, to the extent

possible, could not be achieved. A need therefore exists to <u>manage both interactive program</u>

<u>content and interactive commercial content, and schedule and integrate interactive content from</u>

<u>multiple sources that may or may not be known in advance, without interference.</u>" *Specification,*

paragraph [0013] (emphasis added).

Addressing the above-stated problem, independent claim 1 recites an interactive enabling

system for managing interactive program content associated with enhanced program content and

interactive commercial content associated with commercial spots as follows:

> An interactive enabling system for managing interactive program
> content associated with enhanced program content and
> interactive commercial content associated with commercial
> spots, the system comprising:
>
> *an interactive enabling device* coupled for receiving a broadcast
> stream, said broadcast stream including the enhanced program
> content in series with the commercial spots, the broadcast
> stream further including program pre-triggers, interactive
> program triggers, commercial pre-triggers, and interactive
> commercial triggers for retrieving the interactive program
> content and interactive commercial content; and
>
> *at least one interactive content server* coupled for communicating
> with an interactive control application in the interactive
> enabling device;
>
> wherein the interactive enabling device executes the interactive
> control application to manage the retrieval of the interactive
> program and commercial content from the at least one
> interactive content server in response to the program and
> commercial pre-triggers and make available the interactive
> program and commercial content in response to the interactive
> program and commercial triggers,
>
> <u>wherein the interactive program and commercial content</u>
> <u>includes a plurality of segments, each segment including</u>
> <u>multiple pre-triggers, and each pre-trigger of the multiple pre-</u>
> <u>triggers for a segment corresponding to a particular type of</u>
> <u>communication link speed,</u>

wherein the interactive enabling device is operable to respond to a commercial pre-trigger embedded in the enhanced program content and a program pre-trigger embedded in a commercial spot,

wherein the interactive control application includes a gatekeeper function for selectively retrieving interactive program and commercial content in response to recognized interactive program and commercial triggers, and

wherein the interactive enabling device is configured for receiving and responding to the program pre-triggers, the interactive program triggers, the commercial pre-triggers, and the interactive commercial triggers embedded in the broadcast stream to ensure that the interactive program and commercial content do not overlap and interfere with each other.

(emphasis added)

Therefore, an interactive enabling system including the above features has at least the advantage that an interactive enabling device receives a broadcast stream, where the broadcast stream includes enhanced program content in series with the commercial spots and the broadcast stream also includes program pre-triggers, interactive program triggers, commercial pre-triggers, and interactive commercial triggers for retrieving the interactive program and commercial content. Further, the interactive enabling device is configured such that the interactive program and commercial content includes a plurality of segments, each segment including multiple pre-triggers, and each pre-trigger of the multiple pre-triggers for a segment corresponding to a particular type of communication link speed. Thus, an interactive enabling system allows interactive program and commercial content to be pre-cached in advance of the time it is needed, so that it will be available at that time. See *Specification, paragraph [0061]*.

By contrast, Barone discloses extracting a call from a TV signal (see *Barone, Fig. 5, 42*), displaying content at an "appropriate time" (see *id. at Fig. 5, 54*), and ITV content loading with

respect to a commercial (see *id. at Figs. 2a, 2b, 4 and 7*). However, Barone fails to teach or suggest interactive program and commercial content including a plurality of segments, each segment including multiple pre-triggers, and each pre-trigger of the multiple pre-triggers for a segment corresponding to a particular type of communication link speed.

In the Office Action, it is stated that Kalluri discloses a broadcast stream. See *Office Action, page 4, line 9.* However, even assuming that Kalluri discloses a broadcast stream, Kalluri fails to teach or suggest interactive program and commercial content including a plurality of segments, each segment including multiple pre-triggers, and each pre-trigger of the multiple pre-triggers for a segment corresponding to a particular type of communication link speed.

The Office Action also states, "Andrade discloses that the interactive control application includes a gatekeeper function (paragraph 26, lines 1-13) for selectively retrieving interactive program ... and commercial content in response to recognized interactive program and commercial triggers ...." *Office Action, page 7, lines 5–10* (emphasis added). Applicants respectfully disagree with this interpretation.

As stated in the Specification, "the interactive control application will invoke a gatekeeper function, which monitors subsequent triggers received from the broadcast stream and determines which triggers will be executed and which triggers will be ignored." *Specification, paragraph [0043]* (emphasis added). Thus, when invoked by the interactive control application, the gatekeeper function recognizes a trigger in the broadcast stream and causes the ITV to perform interactive functions specified in the trigger. See *Specification, paragraph [0044].*

By contrast, Andrade discloses that "...other types of network devices can also be connected to network 102, which can provide content for TV 104, such as, for example, a network router, bridge, gateway, or other like network device." *Andrade, paragraph [0026]*

(emphasis added). Andrade thus discloses a network device commonly used as a network point, and which functions as a "gateway" to another network. Further, this gateway disclosed by Andrade is not configured to monitor triggers received from a broadcast stream, nor determine which triggers are to be executed and which are to be ignored. Therefore, Andrade fails to teach or suggest wherein the interactive control application includes a gatekeeper function for selectively retrieving interactive program and commercial content in response to recognized interactive program and commercial triggers, as recited in claim 1. Moreover, Andrade also fails to teach or suggest interactive program and commercial content including a plurality of segments, each segment including multiple pre-triggers, and each pre-trigger of the multiple pre-triggers for a segment corresponding to a particular type of communication link speed.

The Office Action further states that the ATVEF Specification "discloses that the interactive enabling device is configured for receiving and responding to the program pre-triggers, the interactive program triggers, the commercial pre-triggers, and the interactive commercial triggers embedded in the broadcast stream to ensure that the interactive program and commercial content do not overlap and interfere with each other .... When a new enhancement ... is being received at the same time as an existing enhancement ... is being displayed, and the new enhancement delivers its first trigger, the client ignores the new enhancement trigger until the existing enhancement has been completed, thereby preventing interactive content overlap and interference." *Office Action, page 8, lines 4–13.* Even assuming that the ATVEF Specification discloses this limitation, the ATVEF Specification fails to teach or suggest interactive program and commercial content including a plurality of segments, each segment including multiple pre-triggers, and each pre-trigger of the multiple pre-triggers for a segment corresponding to a particular type of communication link speed.

Therefore, Barone, Kalluri, Andrade, and the ATVEF Specification, individually or in combination, fail to teach or suggest all of the limitations of claim 1 as presented herein.

Based on the foregoing discussion regarding amended claim 1, claim 1 should be allowable over Barone, Kalluri, Andrade, and the ATVEF Specification. Independent claim 19 includes the above-discussed relevant limitations for claim 1 in substantially similar form. Therefore, claim 19 should also be allowable over Barone, Kalluri, Andrade, and the ATVEF Specification. Since claims 3, 20, and 21 depend from one of independent claims 1 and 19, claims 3, 20, and 21 should also be allowable over Barone, Kalluri, Andrade, and the ATVEF Specification.

Accordingly, it is submitted that the rejection of claims 1, 3, and 19–21 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 5–7 and 23–25

In Section 6 of the Office Action, claims 5–7 and 23–25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Barone and Kalluri, in view of Andrade and the ATVEF Specification as applied to claims 1 and 19 above, and in further view of Zigmond (U.S. Patent No. 6,698,020).

Based on the foregoing discussion regarding claims 1 and 19, and since claims 5–7 and 23–25 depend from one of claims 1 and 19, claims 5–7 and 23–25 should be allowable over Barone, Kalluri, Andrade, and the ATVEF Specification.

As to claims 5 and 23, the Office Action states that Zigmond discloses "that the said gatekeeper is configured to recognize the interactive program and commercial triggers based on

agreements between broadcasters and program or commercial sponsors ...." *Office Action, page 10, lines 5–7.* However, even assuming that Zigmond discloses a gatekeeper configured as stated, Zigmond fails to disclose the relevant limitations discussed above in relation to claims 1 and 19. Thus, the combination of Barone, Kalluri, Andrade, the ATVEF Specification, and Zigmond still lacks the above-discussed relevant limitations. Therefore, claims 5 and 23 should also be allowable over Barone, Kalluri, Andrade, the ATVEF Specification, and Zigmond.

As to claims 6 and 24, the Office Action states that Zigmond discloses "that the gatekeeper is configured to recognize the interactive program and commercial triggers based on parameters embedded with the interactive program and commercial triggers ...." *Office Action, page 10, lines 16–19.* However, even assuming that Zigmond discloses a gatekeeper configured as stated, Zigmond fails to disclose the relevant limitations discussed above in relation to claims 1 and 19. Thus, the combination of Barone, Kalluri, Andrade, the ATVEF Specification, and Zigmond still lacks the above-discussed relevant limitations. Therefore, claims 6 and 24 should also be allowable over Barone, Kalluri, Andrade, the ATVEF Specification, and Zigmond.

As to claims 7 and 25, the Office Action states that Zigmond discloses "that the gatekeeper is configured to recognize the interactive program and commercial triggers based on parameters embedded with the interactive enabling device ...." *Office Action, page 10, line 20 to page 11, line 2.* However, even assuming that Zigmond discloses a gatekeeper configured as stated, Zigmond fails to disclose the relevant limitations discussed above in relation to claims 1 and 19. Thus, the combination of Barone, Kalluri, Andrade, the ATVEF Specification, and Zigmond still lacks the above-discussed relevant limitations. Therefore, claims 7 and 25 should also be allowable over Barone, Kalluri, Andrade, the ATVEF Specification, and Zigmond.

Accordingly, it is submitted that the rejection of claims 5–7 and 23–25 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 8 and 26

In Section 7 of the Office Action, claims 8 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Barone and Kalluri in view of Andrade and the ATVEF Specification as applied to claims 1 and 19, and further in view of Zigmond.

Based on the foregoing discussion regarding claims 1 and 19, and since claims 8 and 26 depend from one of claims 1 and 19, claims 8 and 26 should be allowable over Barone, Kalluri, Andrade, and the ATVEF Specification.

As to claim 8, the Office Action states that Zigmond discloses "a randomizer … for randomly time-skewing the retrieval of the interactive program and commercial content in response to the interactive program and commercial pre-triggers …." *Office Action, page 12, lines 6–10.* However, even assuming that Zigmond discloses a randomizer as stated, Zigmond fails to disclose the relevant limitations discussed above in relation to claims 1 and 19. Thus, the combination of Barone, Kalluri, Andrade, the ATVEF Specification, and Zigmond still lacks the above-discussed relevant limitations. Therefore, claim 8 should also be allowable over Barone, Kalluri, Andrade, the ATVEF Specification, and Zigmond.

The rejection of dependent claim 26 cites "it is rejected for the same reasons as discussed in claims 9 and 12" in support of the rejection. See *Office Action, page 12, lines 17–18.* Claim 26 is rejected over Barone, Kalluri, <u>Andrade, the ATVEF Specification</u>, and <u>Zigmond</u>. By contrast, claim 9 is rejected over Barone, Kalluri, and <u>Markel</u>, and claim 12 is rejected over

Barone, Kalluri, <u>Markel</u>, and Zigmond. Pursuant to MPEP § 707.07(d), Applicants respectfully request clarification as to the grounds of rejection for claim 26.

Accordingly, it is submitted that the rejection of claim 8 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

<u>§103 Rejection of Claims 9, 11, 27, 28, 34–42 and 45–47</u>

In Section 8 of the Office Action, claims 9, 11, 27, 28, 34–42, and 45–47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Barone and Kalluri and further in view of Markel (U.S. Patent No. 6,791,579; hereinafter referred to as "Markel").

Regarding claim 9, it has been amended to recite following:

> An interactive enabling system for managing interactive program content associated with enhanced program content and interactive commercial content associated with commercial spots, the system comprising:
>
> *an interactive enabling device* coupled for receiving a broadcast stream generated by a broadcast sponsor and for responding to program pre-triggers and commercial pre-triggers inserted into the broadcast stream for retrieving the interactive program and commercial content in advance of when the content is needed, said broadcast stream including the enhanced program content and the commercial spots; and
>
> *at least one interactive content server* coupled through a communication link for communicating with an interactive control application in the interactive enabling device;
>
> wherein the interactive enabling device executes the interactive control application to manage the retrieval of the interactive program and commercial content in response to the program pre-triggers and commercial pre-triggers;
>
> wherein the interactive enabling device is operable to respond to a commercial pre-trigger embedded in the enhanced program content and a program pre-trigger embedded in a commercial

spot;

>wherein the interactive enabling device is configured for
>receiving interactive program pre-triggers and commercial pre-
>triggers that were inserted into the broadcast stream by the
>broadcast sponsor at a specific time in advance of when the
>interactive program and commercial content is needed, based
>on estimates for communication link speed; and
>
>wherein the interactive program and commercial content
>includes a plurality of segments, each segment including
>multiple pre-triggers, and each pre-trigger of the multiple pre-
>triggers for a segment corresponding to a particular type of
>communication link speed.

(emphasis added)

Based on the foregoing discussion regarding amended claims 1 and 19, claims 1 and 19

should be allowable over Barone and Kalluri. Independent claims 9 and 27 as presented herein

include the above-discussed relevant limitations recited in claims 1 and 19 regarding multiple

pre-triggers in substantially similar forms. Therefore claims 9 and 27 should also be allowable

over Barone and Kalluri. Since claims 11, 28, 34–42, and 45–47 depend from one of

independent claims 1, 9, 19, and 27, claims 11, 28, 34–42, and 45–47 should also be allowable

over Barone and Kalluri.

As to claims 9, 27, 28, 34–38, 40, 41, and 45–47, the Office Action states that Markel

discloses "that the interactive enabling device is configured for receiving interactive program and

commercial pre-triggers that were inserted into the broadcast stream by the broadcast sponsor at

a specific time in advance of when the interactive program and commercial content is needed

based on estimates for communication link speed ...." *Office Action, page 15, lines 15–19*

(emphasis added). Regarding claim 9, Applicants respectfully disagree with this interpretation,

as discussed above in Applicants' response to the Response to Arguments in the Office Action.

Further, as to claims 9, 27, 28, 34–38, 40, 41, and 45–47, even assuming that Markel

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discloses an interactive enabling device as stated, Markel fails to teach or suggest wherein the interactive program and commercial content includes a plurality of segments, each segment including multiple pre-triggers, and each pre-trigger of the multiple pre-triggers for a segment corresponding to a particular type of communication link speed. Thus, the combination of Barone, Kalluri, and Markel still lacks the above-discussed relevant limitations. Therefore, claims 9, 27, 28, 34–38, 40, 41, and 45–47 should also be allowable over Barone, Kalluri, and Markel.

As to claims 11 and 28, the Office Action states that Markel discloses "the interactive enabling device includes a list of approved pre-triggers; and wherein the interactive control application enables the retrieval of the interactive program and commercial content only if codes embedded in the interactive program pre-triggers and commercial pre-triggers match the codes in the list of approved pre-triggers ...." *Office Action, page 16, lines 7–11* (emphasis added). Even assuming that Markel discloses an interactive control application as stated, Markel fails to teach or suggest wherein the interactive program and commercial content includes a plurality of segments, each segment including multiple pre-triggers, and each pre-trigger of the multiple pre-triggers for a segment corresponding to a particular type of communication link speed. Thus, the combination of Barone, Kalluri, and Markel still lacks the above-discussed relevant limitations. Therefore, claims 11 and 28 should also be allowable over Barone, Kalluri, and Markel.

As to claim 39, the Office Action states that Barone discloses "that the said interactive commercial pre-trigger ... is configured to respond to said interactive commercial pre-trigger ... by executing said interactive control application to manage the retrieval of interactive commercial content that is specified by the interactive commercial pre-trigger during a time when the interactive enabling device is receiving the enhanced program content ... in the

broadcast stream...." *Office Action, page 16, line 13 to page 17, line 1*. Based on the foregoing, independent claim 9 should be allowable over Barone, Kalluri, and Markel. Since claim 39 depends from claim 9, claim 39 should therefore also be allowable over Barone, Kalluri, and Markel. Moreover, even assuming that Barone discloses an interactive commercial pre-trigger as stated, Barone still fails to teach or suggest wherein the interactive program and commercial content includes a plurality of segments, each segment including multiple pre-triggers, and each pre-trigger of the multiple pre-triggers for a segment corresponding to a particular type of communication link speed. Thus, the combination of Barone, Kalluri, and Markel still lacks the above-discussed relevant limitations. Therefore, claim 39 should also be allowable over Barone, Kalluri, and Markel.

As to claim 42, the Office Action states that Barone discloses "that the interactive commercial pre-trigger ... occurs earlier in the broadcast stream than a commercial spot of the commercial spots that is associated with the interactive commercial pre-trigger...." *Office Action, page 17, lines 4–9*. Based on the foregoing, independent claim 9 should be allowable over Barone, Kalluri, and Markel. Since claim 42 depends from claim 9, claim 42 should therefore also be allowable over Barone, Kalluri, and Markel. Moreover, even assuming that Barone discloses an occurrence of an interactive commercial pre-trigger as stated, Barone still fails to teach or suggest wherein the interactive program and commercial content includes a plurality of segments, each segment including multiple pre-triggers, and each pre-trigger of the multiple pre-triggers for a segment corresponding to a particular type of communication link speed. Thus, the combination of Barone, Kalluri, and Markel still lacks the above-discussed relevant limitations. Therefore, claim 42 should also be allowable over Barone, Kalluri, and Markel.

Accordingly, it is submitted that the rejection of claims 9, 11, 27, 28, 34–42, and 45–47

based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof

is respectfully requested.

§103 Rejection of Claims 12, 29, 43, 44 and 48–50

In Section 9 of the Office Action, claims 12, 29, 43, 44 and 48–50 stand rejected under

35 U.S.C. §103(a) as being unpatentable over Barone and Kalluri in view of Markel as applied to

claims 9 and 27, and further in view of Zigmond.

Based on the foregoing discussion regarding claims 9 and 27, claims 9 and 27 should be

allowable over Barone, Kalluri, and Markel. Since claims 12, 29, 43, 44 and 48–50 depend from

one of claim 9 and 27, claims 12, 29, 43, 44 and 48–50 should also be allowable over Barone,

Kalluri, and Markel.

As to claim 12, the Office Action states that Zigmond discloses "a randomizer ... for

randomly time-skewing the retrieval of the interactive program and commercial content in

response to the interactive program and commercial pre-triggers ...." *Office Action, page 18,*

lines 10–13. However, even assuming that Zigmond discloses a randomizer as stated, Zigmond

fails to teach or suggest wherein the interactive program and commercial content includes a

plurality of segments, each segment including multiple pre-triggers, and each pre-trigger of the

multiple pre-triggers for a segment corresponding to a particular type of communication link

speed. Thus, the combination of Barone, Kalluri, Markel, and Zigmond still lacks the above-

discussed relevant limitations. Therefore, claim 12 should also be allowable over Barone,

Kalluri, Markel, and Zigmond.

The Office Action states that claim 29 "is rejected for the same reasons as discussed in claims 9 and 12." *Office Action, page 19, lines 1–2.* Based on the foregoing, claim 9 should be allowable over Barone, Kalluri, and Markel, and claim 12 should be allowable over Barone, Kalluri, Markel, and Zigmond. Therefore, claim 29 should also be allowable over Barone, Kalluri, Markel, and Zigmond for the same reasons as 9 and 12.

As to claim 43, the Office Action states that Zigmond discloses "that the randomizer ... randomly time-skews a beginning of a retrieval of the interactive commercial content that is specified by the interactive commercial pre-trigger within an allotted time window ...." *Office Action, page 19, lines 4–8.* However, even assuming that Zigmond discloses a randomizer as stated, Zigmond fails to teach or suggest wherein the interactive program and commercial content includes a plurality of segments, each segment including multiple pre-triggers, and each pre-trigger of the multiple pre-triggers for a segment corresponding to a particular type of communication link speed. Thus, the combination of Barone, Kalluri, Markel, and Zigmond still lacks the above-discussed relevant limitations. Therefore, claim 43 should also be allowable over Barone, Kalluri, Markel, and Zigmond.

As to claim 44, the Office Action states that Zigmond discloses "that the time window is a time period ... during which the interactive enabling device ... and each of the additional interactive enabling devices receive the enhanced program content in the broadcast stream ...." *Office Action, page 19, lines 11–16.* However, even assuming that Zigmond discloses a time window as stated, Zigmond fails to teach or suggest wherein the interactive program and commercial content includes a plurality of segments, each segment including multiple pre-triggers, and each pre-trigger of the multiple pre-triggers for a segment corresponding to a particular type of communication link speed. Thus, the combination of Barone, Kalluri, Markel,

and Zigmond still lacks the above-discussed relevant limitations. Therefore, claim 44 should also be allowable over Barone, Kalluri, Markel, and Zigmond.

The Office Action states that claim 48 "is rejected for the same reasons as discussed in claims 9 and 43." *Office Action, page 19, lines 18–19.* Based on the foregoing, claim 9 should be allowable over Barone, Kalluri, and Markel, and claim 43 should be allowable over Barone, Kalluri, Markel, and Zigmond. Therefore, claim 48 should also be allowable over Barone, Kalluri, Markel, and Zigmond for the same reasons as claims 9 and 43.

The Office Action states that claims 49 and 50 "are rejected for the same reasons as discussed in claims 9 and 12." *Office Action, page 19, lines 21–22.* Based on the foregoing, claim 9 should be allowable over Barone, Kalluri, and Markel, and claim 12 should be allowable over Barone, Kalluri, Markel, and Zigmond. Therefore, claims 49 and 50 should also be allowable over Barone, Kalluri, Markel, and Zigmond for the same reasons as claims 9 and 12.

Accordingly, it is submitted that the rejection of claims 12, 29, 43, 44 and 48–50 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, applicants respectfully request reconsideration of claims 1, 3, 5–

9, 11, 12, 19–21, 23–29 and 34–50 in view of the remarks and submit that all pending claims are

presently in condition for allowance.

In the event that additional cooperation in this case may be helpful to complete its

prosecution, the Examiner is cordially invited to contact Applicant's representative at the

telephone number written below.

Respectfully submitted,
Procopio, Cory, Hargreaves & Savitch

Dated: _____12/03/07_____   By: _____
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